

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

HEADWATER RESEARCH LLC	§	
	§	
v.	§	Case No. 2:23-CV-0103-JRG-RSP
	§	
SAMSUNG ELECTRONICS AMERICA,	§	
INC., ET AL.	§	

---

**Pretrial Conference  
MAG. JUDGE ROY PAYNE PRESIDING  
December 16, 2024**

<b>OPEN: 9:01 am</b>	<b>ADJOURN: 12:20 pm</b>
----------------------	--------------------------

---

ATTORNEYS FOR PLAINTIFF:	See attached
ATTORNEY FOR DEFENDANTS:	See attached
LAW CLERK:	Nathan Gershengorin
COURT REPORTER:	Ed Reed
COURTROOM DEPUTY:	Becky Andrews

Court opened. Case called. Andrea Fair introduced co-counsel and announced ready. Travis Underwood introduced co-counsel and announced ready.

Jury Selection will be January 13, 2024, at 9:00 a.m. before Judge Gilstrap. The parties will have 30 minutes per side for voir dire. Eight jurors will be seated. The parties will have four preemptory strikes each side. The parties will have 30 minutes for opening statements and 40 minutes per side for closing arguments. The Court will allow 11 hours of evidence per side.

The Court will be in chambers at 7:30 a.m. each morning. If the parties, after a meet and confer, are unable to resolve a dispute, the Court will be there for that purpose. The parties shall email the law clerk assigned to the case by 10:00 p.m. that night and by 7:00 a.m., the parties are directed to jointly prepare a 3-ring binder to chambers that should include a copy of what is at issue with a short narrative from each side so as to prepare Judge Gilstrap to take those matters up at 7:30 with counsel.

The jury will report at 8:30 daily. Lunch is supplied to the jury, which means the lunch break will be held to 40-45 minutes. Typically, the jury will be excused around 6:00 p.m., depending upon a stopping point with a particular witness.

If there are deposition disputes, the parties shall bring such disputes to the Court's attention the

morning of the day before the day of use.

It is the Court's practice to hold all Rule 50A motions until the close of all evidence. There will be an informal charge conference off the record to look at the state of the proposed jury instructions, usually held at the close of all evidence.

It is the Court's practice to not refer to witnesses and others by their first name alone. This is important to keep the record clear. The Court has a standing order on sealing the courtroom and parts of the transcript. If you are going to request that in this case because of confidential information, read the standing order.

The juror questionnaires will be ready in the clerks office on the Thursday before jury selection.

The parties will provide 12 juror notebooks by close of business on the Wednesday before jury selection. Each notebook shall contain a sheet with a photo of each witness with the name under the photo and lines for taking notes, a copy of the patent(s), the Court's claim construction chart, any stipulations, a 3-hole punched note pad and a non-clicking pen.

Experts should be held to the four-corners of their reports.

The Court heard argument on Plaintiff's Motion for Partial Summary Judgment as to Defendant Samsung's Standing Defense (Dkt. No. 174). Mike McKeon and John Thornburg argued for defendants. Kris Davis argued for plaintiff. The Court instructed the parties to confer about a date to schedule a hearing on this motion.

The Court heard arguments on objections to Plaintiff's Motions in Limine. James Tsuei, Paul Kroeger, Reza Mirzaie, James Pickens argued for plaintiff. Sara Fish, John Thornburg, Mike McKeon argued for defendants. The Court made rulings.

After the break, the parties then argued objections to Defendants' Motions in Limine. The Court made rulings.

The final pretrial conference will be set promptly.